



August 20, 2002 CPC
October 15, 2002 CPC
November 26, 2002 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

02SN0289

Louis A., IV and Alice C. Ruffin

Bermuda Magisterial District
11301 Eagle Point Road

REQUEST: Conditional Use to permit a family day care home in a Residential (R-15) District.

PROPOSED LAND USE:

A family day care home within an existing single family residence is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The family day care home, if properly conditioned, should be compatible with surrounding residential development. Family day care homes have been approved in other similar neighborhoods throughout the County and have operated without any apparent adverse impact on area residences.
- B. Through the Conditional Use process and the imposition of the recommended conditions, the residential character of the area will be maintained.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

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CONDITIONS

- (STAFF) 1. This Conditional Use shall be granted to and for Louis A., IV and Alice C. Ruffin exclusively, and shall not be transferable nor run with the land. (P)
- (STAFF) 2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
- (STAFF) 3. There shall be no signs permitted to identify this use. (P)

PROFFERED CONDITIONS

- (STAFF) 1. This Conditional Use shall be granted for a period not to exceed two (2) years from the date of approval. (P)
- (STAFF) 2. The family day care home shall be limited to the keeping of not more than eight (8) children, exclusive of those children living in the home. (P)

GENERAL INFORMATION

Location:

East line of Eagle Point Road, south of Chagford Drive and better known as 11301 Eagle Point Road. Tax ID 792-660-5634 (Sheet 26).

Existing Zoning:

R-15

Size:

0.5 acre

Existing Land Use:

Single family residential

Adjacent Zoning and Land Use:

North and West - R-15; Single family residential
South and East - R-7; Single family residential

UTILITIES

Public Water System:

There is an existing eight (8) inch water line extending along the western side of Eagle Point Road, adjacent to the site. Use of the public water system is required by County Code. The existing home on this site is connected to the public water system.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector extending along Eagle Point Road and terminating adjacent to the northwest corner of this site. Use of the public wastewater system is required by County Code. The existing home on the request site is connected to the public wastewater system.

ENVIRONMENTAL

Drainage and Erosion:

The proposed use will have no impact on these facilities.

PUBLIC FACILITIES

Fire Service and Transportation:

The proposed use will have a minimal impact on the existing transportation network and fire/rescue services.

LAND USE

Comprehensive Plan:

The request site lies within the boundaries of the Chester Village Plan which suggests the property is appropriate for residential use of 1.01 to 2.50 dwelling units per acre.

Area Development Trends:

The request property is located within the Chipchase At Mineola Subdivision. Adjacent properties are zoned residential and are occupied single family residences in the Chipchase At Mineola and Cameron Run Subdivisions.

Site Design:

The applicant proposes to utilize the dwelling in which she resides and backyard area for the day care. To insure that the residential character of the area is maintained, conditions

preclude any additions to the existing dwelling to accommodate the use and any sign to identify the use (Conditions 2 and 3). In addition, the applicants have proffered that the Conditional Use will expire two (2) years from the date of approval. (Proffered Condition 1)

Use:

As noted herein, the applicant is requesting a family day care home. The Zoning Ordinance permits the keeping of a maximum of five (5) children, excluding the provider's children and any children who reside in the home, as a restricted use in a residential district. The Ordinance would allow the keeping of up to twelve (12) children with a Conditional Use. Approval of this request would allow a maximum of eight (8) children at any one time, excluding the applicant's children and any children who reside in the home. (Proffered Condition 2)

CONCLUSIONS

The proposed family day care home, as conditioned, should have no adverse impact on the surrounding neighborhood. Similar family day care homes have been approved in other neighborhoods and have operated without any apparent impact on area residences. The conditions are similar to conditions imposed upon other family day care homes and are designed to maintain the residential character of the area (Conditions 1 through 3). The proffered conditions minimize the potential impact of the use on the surrounding area (Proffered Conditions 1 and 2). Therefore, approval of this request, subject to the conditions and acceptance of the proffered conditions is recommended.

CASE HISTORY

Planning Commission Meeting (8/20/02):

On their own motion, the Commission deferred the case until their October meeting.

Staff (8/21/02):

The applicant was advised in writing that any new or revised information should be submitted no later than August 26, 2002, for consideration at the Commission's October public hearing.

Applicant (9/13/02):

In response to citizens' concerns, proffered conditions were submitted.

Applicant, Staff, Area Property Owners and Bermuda District Commissioner (9/19/02):

A meeting was held to discuss area property owners' concerns regarding the request. Citizens offered support for the request stating there would be no adverse impact and other citizens expressed a concern that approval of this request would encourage the location of commercial uses in a residential neighborhood.

Planning Commission Meeting (10/15/02):

The applicant accepted staff's recommendation, but did not accept the Planning Commission's recommendation.

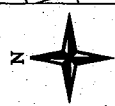
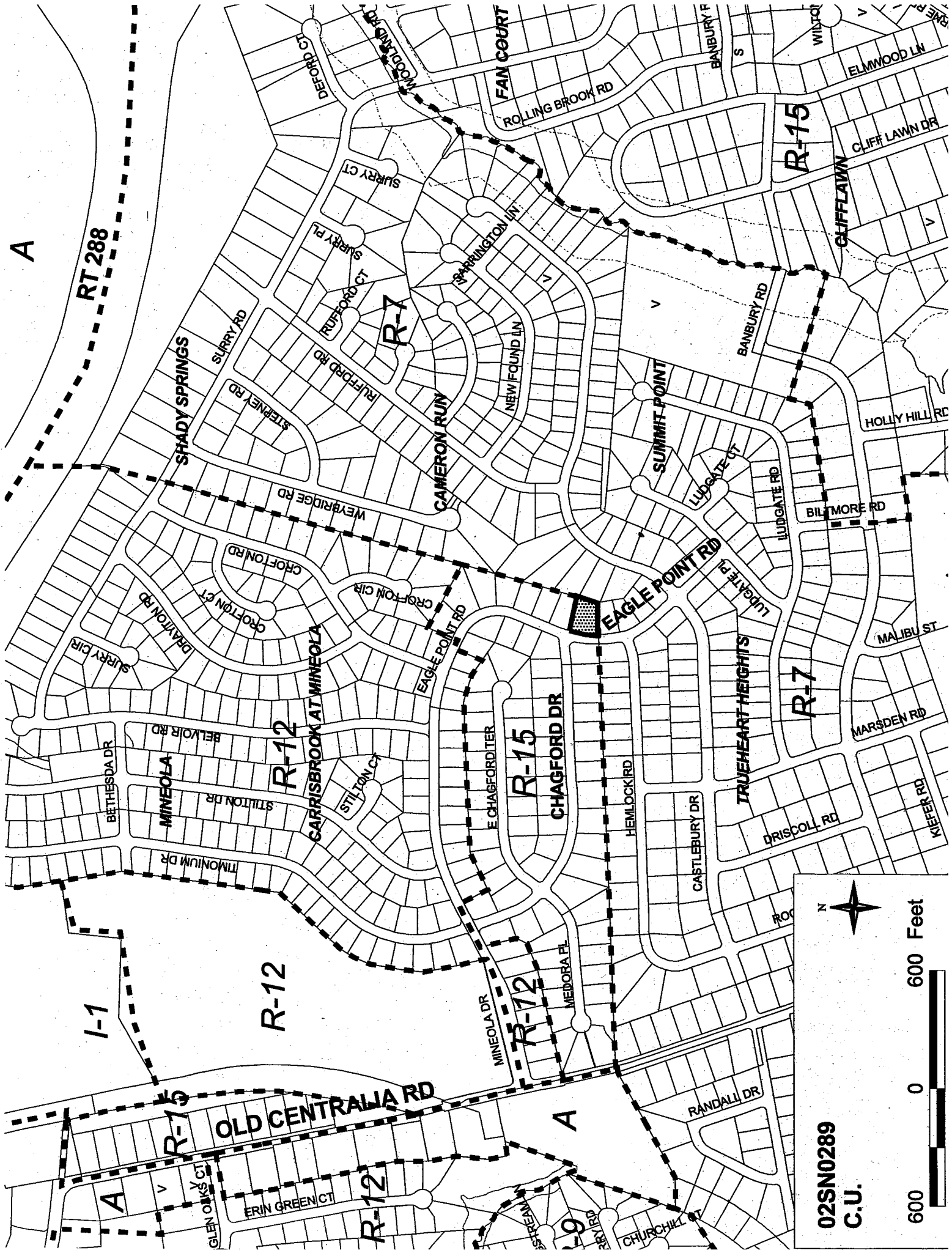
There was support for, and opposition to, the request present. Those who spoke in support provided that the existing family day care home operated on the request property has not created a negative impact on the adjacent properties; that this request, which is limited to keeping three (3) additional children other than those currently permitted, is not a concern; and that the majority of the opposition was from individuals who live in an adjacent subdivision, Truehart Heights. Those who spoke in opposition stated that approval of the request could set a precedent for other businesses to locate in their neighborhood and expressed a concern over the affect such use may have on their property values.

Mr. Cunningham provided that while some immediate neighbors support the request, he was concerned over the large number of citizens in opposition which also included immediate neighbors.

On motion of Mr. Cunningham, seconded by Mr. Gulley, the Commission recommended denial of this request.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, November 26, 2002, beginning at 7:00 p.m., will take under consideration this request.



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C.U.